

# **Exhibit B**

**ATTACHMENT B**

CHRON

**Caplin & Drysdale**  
ATTORNEYSCaplin & Drysdale, Chartered  
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Washington, DC 20005  
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www.caplindrysdale.com202-862-5049 Direct  
bsb@capdale.com

August 4, 2004

Janet S. Baer, Esq.  
Kirkland & Ellis  
200 East Randolph Drive  
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Blixin, Sumberg, Dunn, Baena, Price and  
Axelrod, LLP  
2500 First Union Financial Center  
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Miami, FL 33131Roger Frankel, Esq.  
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300 K Street, NW, Suite 300  
Washington, DC 20007Gary Becker, Esq.  
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New York, NY 10022Bert L. Wolff, Esq.  
Skadden, Arps, Slate, Meagher & Flom LLP  
4 Times Square  
New York, NY 10036Brad Friedman, Esq.  
Milberg Weiss Bershad Hynes & Lerach, LLP  
One Pennsylvania Plaza  
New York, NY 10119Francine Rabinovitz, Esq.  
Hamilton, Rabinovitz & Alschuler, Inc.  
6033 West Century Blvd.  
Los Angeles, CA 90045Re: Grand Jury Subpoena for records produced by W.R. Grace

Ladies and Gentlemen:

Caplin & Drysdale has received a grand jury subpoena from the U.S. District Court for the District of Montana for records produced by W.R. Grace & Co. in case number 01-01139 (JKF) in the District of Delaware (copy attached). The Assistant U.S. Attorney handling this case is Kris A. McLean, P.O. Box 8329, Missoula, Montana 59807 (Telephone: 406-542-

**Caplin & Drysdale**  
CHARTERED

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8851). We are notifying you of this subpoena pursuant to paragraph 4 and other provisions of the Confidentiality Agreement dated October 9, 2001 entered into by the parties in this case.

We plan to comply with this subpoena unless we are directed to the contrary by an order of a court of competent jurisdiction.

Sincerely,



Bernard S. Bailor

cc: Elihu Inselbuch, Esq.  
Peter Van N. Lockwood, Esq.  
Nathan D. Finch, Esq.

# COPY UNITED STATES DISTRICT COURT

MISSOULA DIVISION, DISTRICT OF MONTANA

TO:

WR Grace & Co.  
c/o Bernard S. Bailor  
Caplin & Drysdale  
One Thomas Circle, NW, Suite 1100  
Washington, DC 20005-5802

**SUBPOENA TO TESTIFY  
BEFORE GRAND JURY**

**SUBPOENA FOR:**  
☐ PERSON ☒ DOCUMENT(S) or OBJECT(S)

03-GJ-M-220

**YOU ARE HEREBY COMMANDED** to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

<p>PLACE</p> <p>Russell Smith Courthouse Grand Jury 201 E. Broadway Missoula, Montana 59802</p>	<p>COURTROOM</p> <p>Grand Jury</p> <hr/> <p>DATE AND TIME</p> <p>September 1, 2004; 9:00 a.m.</p>
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**YOU ARE ALSO COMMANDED** to bring with you the following document(s) or object(s):

Please produce all original copies of records, deposition transcripts, and exhibits produced by the debtor, WR Grace & Co. in case number 01-01139 (JKF), District of Delaware.

( ) See additional information on reverse

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

<p>U.S. MAGISTRATE OR CLERK OF COURT</p> <p>Patrick E. Duffy</p> <p>(BY) DEPUTY CLERK</p> <p><i>Cheryl Hartley</i></p>	<p>DATE</p> <p>August 3, 2004</p>
<p>This subpoena is issued upon application of the United States of America</p>	<p>NAME, ADDRESS AND PHONE NUMBER OF ASSISTANT U.S. ATTORNEY:</p> <p>KRIS A. McLEAN Assistant U.S. Attorney P.O. Box 8329 Missoula, Montana 59807 Telephone: 406/542-8851</p>

